HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SHRI JUSTICE G. BHAVANI PRASAD

WRIT PETITION No. 5760 OF 2006

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Between:

Gundlapalli Grampanchayat,

Gundlapalli Village, Maddipadu Mandal,

Prakasam District rep. by its Sarpanch

K. Srinivasa Rao, W/o Venkateswarlu,

Aged 36 years, R/o. Gundlapalli Village,

Maddipadu Mandal, Prakasam District

……Petitioner

And

The District Collector,

Prakasam District and three others

……Respondents

:: ORDER ::

Counsel for the Petitioner : Sri M.Ravindra Nath Reddy

Counsel for Respondent No.1 : Government Pleader for Revenue

Counsel for Respondent Nos.2 and3: Government Pleader for

Panchayat Raj

Counsel for Respondent No.4 : Sri K.R. Prabhakar

Dated: 03-04-2006

Per G.S. SINGHVI, CJ

This petition is directed against order dated 13-03-2006 passed by District Consumer Forum (for short 'the District Forum'), Prakasam District at Ongole in I.A No.124 of 2006 filed by respondent No.4 - Shri G. Veerabhadrachary for restraining the non-applicants (respondents 2 and 3 herein) from constructing new building for the gram panchayat at new place.

A perusal of the record show that while issuing notice of the interim application, the District Forum restrained respondent No.3 from constructing building for Panchayat Office.

The main ground on which the petitioner – gram panchayat has challenged the interim order passed by the District Forum is that the complaint filed by respondent No.1 in the matter of construction of new building for the gram panchayat is not maintainable.

Learned counsel for respondent No.4 says that he has been instructed by his client to withdraw the complaint filed before the District Forum with liberty to avail

other remedies.

In view of the statement made by the learned counsel for respondent No.4, the writ petition is disposed of in the following terms:

1. The complaint filed by respondent No.4 under Section 12 of the Consumer Protection Act, 1986 shall stand dismissed.

2. As a sequel to the dismissal of the complaint, order dated 13-03-2006 passed by the District Forum in I.A No. 124 of 2006 shall become inoperative and ineffective.

The writ petition is disposed of in the manner indicated above. However, it is made clear that this order shall not preclude respondent No.4 from availing appropriate legal remedy for redressal of his grievance in the matter of construction of new building for gram panchayat at the site in question.

As a sequel to the disposal of the main writ petition, W.P.M.P No.7345 of 2006 is disposed of as infructuous.

G.S.SINGHVI, CJ

G.BHAVANI PRASAD,J

03-04-2006

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